IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE GOPALAKRISHNA TAMADA

Writ Petition No.15060 of 2003

Dated: 11-07-2007

Between:

Zehra Subuhi, s/o Syed Ainuddin Arif.

... Petitioner

and

1. Accounts Officer (Inv) Central,
   O/o General Manager,
   Telecom (Central), Room No.115,
   Suryalok Complex, Gunfoundry,
   Hyderabad - 500 001 and another.

... Respondents

ORDER:

Petitioner states that her husband had a telephone connection bearing No.244828, which was subsequently closed, and he fell due an amount of Rs.2,08,669/- to the department, and as such respondents issued the impugned notice stating that if her husband failed to pay the said amount on or before 22-07-2003, her working telephone connection bearing No.23541922 would be disconnected. Hence, she approached this Court and filed the present writ

petition.

2. When this matter is taken up for hearing, both the learned counsel stated that this writ petition is squarely covered by a judgment of this Court dated 11-07-2002 passed in W.P.No.14366 of 2000, wherein following an observation of a Division Bench of this Court in ***Asst. G.M. v. Mahalakshmi L& T.C. Services (1996(4) ALD 247(D.B),*** it was held that if the cloak is removed the real relationship of the owner of the first telephone connection and the owner of the second telephone connection is revealed and they are none other than the husband and wife and in such circumstances, Rule 443 of the Indian Telegraph Rules is attracted, and that the respondents have not committed any error whatsoever in invoking the said Rule for disconnecting the telephone of the petitioner, the Court is bound to lift the cloak and see the reality.

3. Following the said judgment, this Court is of the view that though the default is on the part of petitioner's husband, definitely respondents' authorities have every right to disconnect the telephone connection in the name of petitioner as per Rule 443 of the Indian Telegraph Rules. Hence,

I see no merits in this writ petition.

4. Accordingly, the writ petition is dismissed. No costs.

JUSTICE GOPALAKRISHNA TAMADA

Dt.11-07-2007
GLV